IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18067 of 2004

Between:

Narasimhulu Goud, S/o.Krishnaiah Goud,
President of Toddy Coop. Society, Bilkal Village, Marpalli

Mandal, RR Dist.

..... PETITIONER

AND

The Superintendent, Prohibition & Excise, RR Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in issuing suspension order vide proc.on Cr.No.E6/6503/2004 dt.26-08-2004 without hearing the petitioner and without giving any opportunity to the petitioner to establish his case while the petitioner's representation dt.19-8-2004 for conducting test for second sample is pending before the respondent as illegal, arbitrary, contrary to law and violative of Arts. 14, 19 and 21 of the constitution of India and consequently stay the cancellation of license No.686 dt.19-4-2003 enabling the petitioner to do business as per the said license.

Counsel for the Petitioner: MR.YALLABANDI RAMATIRTHA

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following Order:

This writ petition is filed aggrieved by the order of the respondent-Superintendent, Prohibition and Excise, Ranga Reddy District dated 26-08-2004, whereunder the license of the petitioner was suspended pending enquiry into the allegation of adulteration of toddy with Chloral Hydrate.

As can be seen from the impugned order, the premises of the petitioner was inspected on 17-08-2004 and on a spot test, it was found that the toddy was adulterated with Chloral Hydrate. The Inspecting officials have drawn three samples of toddy and thereafter, the impugned order has been passed suspending the license as a precautionary and temporary measure to prevent the supply and sales of adulterated toddy, in the interest of public health.

The only contention raised by the petitioner in this writ petition is that since the petitioner has already made an application on 19-08-2004 requesting to send the second sample for analysis through an independent laboratory, the respondent is not justified in suspending the license without considering the said request of the petitioner.

As can be seen from the impugned order, during the spot test it was found that the toddy was adulterated with Chloral Hydrate and the enquiry is still pending. In case, the second sample sent to the independent laboratory is found to be not adulterated, it is a matter to be taken into consideration in the enquiry initiated against the petitioner.

However, so far as the impugned order is concerned, having regard to the nature of the allegation and particularly since in the spot test the toddy was found adulterated with Chloral Hydrate, I am of the view that the respondent is justified in suspending the license, pending further enquiry. At that stage, it is not necessary for the respondent to wait till the 2nd sample is analysed by an independent laboratory.

The writ petition is devoid of merits and accordingly dismissed. No costs.

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06-10-2004

kdl

To

1 The Superintendent, Prohibition & Excise, RR Dist.

2 Two C.Cs. to the Government Pleader for Prohibition & Excise,

High Court Buildings, A.P., Hyderabad (OUT).

3 Two C.D. Copies.